

REMARKS

In paragraphs 4 and 5 of the Action, claim 3 was rejected under 35 U.S.C. 112. In paragraph 7 of the Action, claims 3, 4 and 7 were rejected under 35 U.S.C. 102(e) as being anticipated by Heredia. In paragraph 9 of the Action, claims 5, 8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heredia in view of Nagasawa.

In view of the rejections, claims 3-5 and 8-10 have been amended to obviate the rejections. Also, new claim 11 has been filed.

In the amendment, claims have been amended to a combination comprising a network game server and a network game terminal unit. The network game server was originally claimed in claim 6 now canceled, and is associated with the network game terminal unit. Therefore, the amendment does not introduce new matter.

In this amendment, it is clarified that the game communicating section is connected to the network game server, for sending and receiving program signals for controlling a network game, and that the network receiving section, separated from the game communicating section, receives signals from the network game server and also directly receives a plurality of incoming signals of telephone message data without transmitting through the network game server.

In the invention, although the game is controlled by the network game server, the players can directly communicate with each other without transmitting or communicating through the network game server. Therefore, communication among the players can be easily made without interruption or difficulties.

This situation is shown in Fig. 1, wherein a plurality of players is directly connected through the Internet network, while a managing server 30 is also connected to the Internet network. Also, it is explained that concurrent communications can be made

among multiple players (page 3, lines 6-12). Further, it is explained that the synthesizing section 57 synthesizes the telephone message data transmitted from the other player and the musical sound date transmitted from the managing server 30 (page 12, lines 13-22).

In paragraph 1 of the Action, it was held that "[H]eredia discloses in col. 7, lines 44-57 that each of the networked players software located on the CPU (i.e. software located on players A's CPU (Fig. 3, 330) and software located on player B's CPU (Fig. 3, 335) can perform the same functions (i.e. voice data can be transmitted among each of the client computers of the players (elements A, B, C, D) in Figure 1 in order for the players to communicate verbally with each other) as those described for the server E(Fig. 3, server) in the patent."

The Examiner's explanation is correct. In this section in Heredia, however, it is held (column 7, lines 52-57) that "Once the parameters are set up and transmitted to all players, all player data can flow through one players game program or each players program will individually transmit data to all players. Therefore a server independent from the players game programs is not required."(emphasis added)

Namely, only when the game is played among the players without using the server, the players can communicate directly with each other.

It is explained at column 5, lines 28-36 of Heredia that "Voice data 210, when transmitted from client A, B, C, or D to server E, may comprise the voice or audio data received from the player's microphone. Server E may mix that voice data with other voice and audio data received from the remaining clients A, B, C, or D. Thus, in the in voice segment 210 of Fig. 2 as transmitted from server E to clients A, B, C, and D, they comprise a mixed data

signal for each of players A, B, C and D. This voice segment 210 may be mixed in a number of ways."

Therefore, when the players are connected to the server E, the players in Heredia do not directly communicate with each other, and can communicate through the server E. Thus, Heredia does not have a section corresponding to the network receiving section of the invention. In the invention, the network receiving section is separated from the game communicating section, and directly receives a plurality of incoming signals of telephone message data without transmitting through the server.

In the invention, the game is controlled by the server, but the communication among the players can be made without transmitting through the server. Heredia does not disclose or suggest this feature.

Nagasawa was cited to show an incoming call transmitting section. In Nagasawa, upon receiving an incoming call, a call incoming indicator or a backlight on the display blinks or ringing starts without forcibly suspending a pocket game. Nagasawa does not rectify the deficiency of Heredia.

Therefore, even if Heredia and Nagasawa are combined, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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